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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,648	12/20/2000	Makoto Hagai	2000_1730A	4265

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EXAMINER

PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,648

Applicant(s)

HAGAI ET AL.

Examiner

Prieto Beatriz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3^(B) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 9-12 is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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DETAILED ACTION

1. This communication is in response to Application 09/739,648 filed 12/20/00, claims 1-12 remain pending.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Allowable subject matter

3. Claims 1-7, and 9-12 are allowed.

Claim Rejection under C.F.R. 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over BLAHUT et. al. (US 5,442,389 (Blahut hereafter)).

Regarding claim 8, Blahut teaches receiving and playing audio or video data streams (abstract) via a distribution network

requesting for transmission to be stop/pause ("halted") to server "transmitting end" (Fig. 9), and halting temporarily data reception (col 14/lines 28-45, col 24/lines 31-42); and requesting for transmission to be restarted ("play") to the transmitting, end, and restarting data reception (col 14/lines 28-45), however does not teach where data reception is from a "lower" communication protocol;

White teaches the transmission of interactive services providing data reception via a "lower" communication protocol (col 2/lines 12-17, 42-46), interactive services include an user interface provided to the user enabling the user to pause transmission of video services, transmitting a pause instruction to

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the transmitting end, i.e. head end interrupting data reception and resumed from that point on shortly afterwards (col 4/line 39-col 5/line 26).

It would have been obvious to one ordinary skilled in the art given the teachings of Blahut for receiving and playing audio/video data streams via a distribution network, e.g. head-end distribution system via telephone networks or microwave distribution systems as suggested by Blahut, the teachings of White for the distribution of multimedia by head-end distribution systems would be readily apparent. One would be motivated enhance existing head-end based distribution systems with interactive web based services supported by proxy server providing to the users system control and user interface function via a logical lower communication (TCP/IP) control channel between the head-end and clients, allowing user to switch between video entertainment to interactive entertainment seamlessly

Pertinent Prior Art:

6. The following prior art made of record and not relied upon are considered pertinent to applicant's disclosure; pertinence is presented in accordance with MPEP§ 707.05. Copies of Non-Patent Literature documents cited will be provided as set forth in MPEP§ 707.05(a):

(US 6,721,490) 04-2004

Yao et. al. teaches a system/method for receiving and playing stream data (e.g. audio or video), including an interactive playback mechanism sending a request for pausing or halting transmission to the transmitting end, halting data reception, and restarting by sending a play request for restarting the transmission to the transmitting end, however doesn't provide an explicit disclosure regarding a data reception communication protocol.

Yao further teaches, a system/method including playback device configured to playback and output audio or video, the system further includes a playback start position index, that allows the user to select any desired playback position; the start index is information for indicating a payback start position, which is to be referred at a time of starting the playback by specifying the playback start position of data to be playbaced by the playback device; stored real-time data streams of subdivided segments enable the use to select desired segment in real-time using commands indicating playback, stop, forwards and backwards, wherein any segment can potentially be randomly accessed upon request from the data playback client; however the playback start indexes are stored at the client and presented by a control unit to the user so as to urge the user to select a desired playback position. An user may issue a "seek/fast-

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forward” request to a transmitting end for at a random access point. The client device is configured to carry out operations such as playback, fast playback (fast forward), fast reverse (rewind), pause via a remote control device equipped with operation buttons or displayable buttons on a screen such that each of them can be selected using a pointing device, however Yao does not disclose where the playback start position index or list is acquired upon demand, i.e. via a explicit request.

US 6,463,444 (10-2002)

Jain et. al. teaches a system/method for receiving and playing stream data (e.g. audio or video) including a playback start position index including a position where data playback can be started from any segment of the video; this index (or metadata) is distributed across in the form of a user interface, wherein the indexing allows user to navigate through the video by using the index to go directly to any point of interest, rather than streaming from start to finish; the user interface in the form of a panel displays the live video with ply, stop, etc. controls that interact remotely with the transmitting end source, data reception is via native (“lower”) protocol including TCP/IP, the metadata is continuously redrawn on the panel via MFC technology, however the is not disclosure of requesting the playback start position index, nor requesting prior to receiving the data stream to a transmitting end.

US 5,659,539 (08-1997)

Porter et. al. teaches a system/method for delivering video or audio data stream, including the use of a tag file including information about each frame in a audio/video file, this information is used to perform seek, fast forward operation during the display of the audio/video file; the seek operation sent from the client to the transmitting end cause the video pump in the transmitting end to stop transmitting data from the current position, and to start transmitting from a new position determined based on the tag file; fast forward operation are performed selecting the video frames based on the contained information in the tag file and generating a data stream containing data that represents the selected video frames; and MPEG encoder generated the tag file simultaneously with the MPEG file; transmitting to the transmitting end (stream server) a seek operation specifying for example to jump ahead in the MPEG sequence to a position 5 minutes ahead of the current playing position, in response the stream server using the target file identifies the frame that would be playing in 5 minutes, when this target position has been determined the stream server using the tag file, the server instruct the pump to transition from the current position in the MPEG file to the target position, although this mechanism allows the user to playback from any point in

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the data stream, the tag file ("playback start position table) is not provided to the client is before receiving the data stream.

US 6,452,875 (09-2002)

Lee et. al. teaches a edit decision list (EDL) which provides a representation of the stream data that allows the user to select of predetermined scenes in the stream, providing a multimedia search and indexing system which enable the selection of events or scenes of interest from any media, video, films, sound for playback in whole , or in part, the list includes "start" and "stop" times related to the time codes in the track of media for locating the scenes of interest, however the list is provided in the media, thereby not accessible to the user prior to stream reception.

US 6,538,665 (03-2003)

Crow et. al. teaches a system/method for delivering audio/video, including a graphical user interface including at least one position where data playback can be started from any point in the data stream, the graphical user interface is in the form of a "slider" or "time-line interface bar", wherein upon selecting one playback start position from the graphical user interface, the requested point in the stream is received in real-time, upon demand, however, this interactive graphical user interface that supports streaming in real-time is not request prior to receiving the stream of data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

B. Prieto

B. Prieto
TC 2100
Patent Examiner
December 22, 2004

Bentley Prieto
Patent Examiner